

REMARKS-General

The newly drafted independent claim 23 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 23-44 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Regarding to Rejection of Claims 1-4 under 35USC102

The Examiner rejected claims 1-4 as being anticipated by Stopa et al. (US 6,641,284). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

However, the Stopa patent and the instant invention are not the same invention according to the fact that the independent claim 1, 12 or 19 of the Stopa patent does not read upon the instant invention and the independent claim 23 of the instant invention does not read upon the Stopa patent too. Apparently, the instant invention, which discloses a LED illuminating module for illumination, should not be the same invention as the Stopa patent which discloses a light assembly comprising a collimating lens for collimating light from the LED.

Accordingly, Stopa fails to anticipate the distinctive features of the instant invention as follows:

(a) In claim 23, "a supporting frame having an elongated reflective channel and defining a peripheral reflective wall" is claimed to reflect the light for illumination,

wherein Stopa merely teaches a parabolic reflector has a reflecting cavity for wide angle visibility.

(b) In claim 23, "a head portion of each of the illuminators is outwardly protruded from the top surface of the supporting frame" is claimed, wherein Stopa merely teaches the LEDs are positioned in the cavity.

(c) In claim 23, "the reflective wall reflectively accumulates the lights of the illuminators at radial direction within the reflective channel" is claimed, wherein Stopa merely teaches the light from LED is reflected by the parabolic reflector. The applicant respectfully submits that the reflective wall reflects the light sidewardly (radially) projected from LED because the head portion of the illuminator is positioned above the reflective wall. Therefore, the light projected from the head portion of each of the illuminators is not reflected by the reflective wall. It is worth to mention that the LED illuminating module of the instant invention is used for illumination, light from the head portion of each of the illuminators directly projects out of the supporting frame along the axis of the reflective channel without being blocked by the collimating lens.

(d) Stopa merely teaches a collimating lens mounted within the reflecting cavity to collimate light from the LED. However, no collimating lens is required in the instant invention to collimate the light from the illuminator. In other words, the LED taught by Stopa must be entirely disposed in the reflecting cavity at a position below the collimating lens in order to collimate the light from the LED. It is apparent that Stopa fails to teach and anticipate the same recitation and limitation in the claim 23 of the instant invention of positioning the head portion of the illuminator above the top surface of the supporting frame such that the reflective wall reflectively accumulates the lights from the illuminators at radial direction within the reflective channel.

(e) Stopa fails to teach and anticipate the "points of light source are merged to form a line of light source along the reflective channel for illumination" as claimed in claim 23, wherein Stopa merely teaches the lights from LED are collimated out from the parabolic reflector. In other words, Stopa is silent about how to form a line of light source from the points of light source.

(f) In claims 25 to 26, "the reflective wall is continuously extended to surround the reflective channel as a peripheral sidewall thereof to reflectively

accumulate said lights of the illuminators within the reflective channel” is claimed. As it is mentioned above, Stopa fails to teach and anticipate the reflective wall surrounds the reflective channel that the head portion of the illuminator is positioned above the top surface of the supporting frame.

(g) In claim 23, “the reflective wall has a reflective inclination angle corresponding with a projecting angle of each of the illuminators” is claimed to reflect the light radially projected from the illuminator. Stopa merely teaches the reflector is arranged to redirect “wide angle” light. However, the collimating lens is a must to incorporate with the reflector to collimate the light from LED. In other words, the inclination angle of the reflecting surface of the reflector taught by Stopa is not corresponding with the projecting angle of the LED. In fact, the reflector, having the reflecting surface flaring from an inner vertex, is a bowl shape to reflect the light from the LED as shown in Fig. 8 of Stopa. The applicant respectfully submits that the structural configuration of the reflective wall of the instant invention is totally different from that of the parabolic reflector because the parabolic reflector has a curved surface and requires the collimating lens to incorporate therewith in order to collimate the light out of the parabolic reflector.

Accordingly, Stopa is not a qualified prior art of the instant invention and should be removed from the prior art list of the instant invention.

Response to Rejection of Claims 5-22 under 35USC103

The Examiner rejected claims 5-22 over Stopa in view of Kiraly et al (US 6,880,952) in further in view of Roller et al (US 5,934,798). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Stopa which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Roller at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a whole of the instant invention and the primary prior art, Stopa, are obvious in view of the supplemental cited arts, Kiraly and/or Roller, we have to identify all the differences between the claims of the instant inventions and Stopa. Accordingly, the difference between Stopa and the instant invention as claimed in claims 23 to 44 is not limited to the disclosure of "LED", but includes the above distinctive features (a) to (g). In addition, regarding to claims 23 to 44, the applicant respectfully identifies the differences between the claims of the instant invention and Stopa as follows:

(h) Stopa fails to teach "the reflective wall has a height allowing the reflective wall to reflect the light from each of the illuminators radially projecting to the reflective wall" as claimed in claim 24 in addition to what is claimed in claim 23.

(i) Stopa never mention any of "reflective inclination angle of the reflective wall is larger than 90° and smaller than 180° with respect to the bottom wall of the reflective channel", so as to reflect the radial light from the illuminator, as claimed in claims 27 and 28 in addition to what is claimed in claim 23.

(j) Stopa does not teach "the bottom wall of the reflective channel is a flat surface adapted for reflectively accumulating the lights from the illuminators within the reflective channel" as claimed in claims 29 to 31 in addition to what is claimed in claim

23. Stopa merely teaches the reflecting surface flaring from the inner vertex to an open outer end. Therefore, the bottom surface of the reflector is not flat.

(l) Stopa does not teach “a sealing housing sealedly mounted below the supporting frame to define a receiving cavity therewithin to sealedly receive the light circuit” as claimed in claims 32 to 34 in addition to what is claimed in claim 23. Stopa does not teach the circuit is sealed within the reflector.

(m) Stopa does not teach “a light reflective layer coated on the peripheral side wall and the bottom wall to form the reflective channel” as claimed in claims 35 to 37 in addition to what is claimed in claim 23.

(n) Stopa does not teach “a plurality of guiding through holes spacedly formed on the top surface such that the head portions of the illuminators are protruded from the receiving cavity of the sealing housing” as claimed in claims 38 to 40 in addition to what is claimed in claim 23. Stopa does not disclose any sealing housing to seal the illuminators in position.

(o) Stopa does not teach any “means for electrically connecting the light circuit to a power source” such that the LED illuminating module of the instant invention as an illumination device is adapted to electrically connect to the power source as claimed in claims 41 to 44 in addition to what is claimed in claim 23.

Whether the claims 23 to 44 as amended of the instant invention are obvious depends on whether the above differences (a) to (o) between the instant invention and Stopa are obvious in view of Kiraly and/or Roller at the time of the invention was made.

Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and

(d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

Kiraly merely teaches the inside angle of the bracket is approximately 80 degrees to optimize the illumination intensity without suggestion of how such bracket be possibly equipped with the reflective channel to merge the points of light source so as to form a line of light source.

Roller, on the other hand, merely teaches a reflector may be used over the LED lamp body to conceal the circuit board and to enhance the light output without any suggestion of how to sealedly mount the circuit board on the supporting frame and to retain the illuminators in position. In other words, Roller merely teaches the circuit board is enclosed within the LED lamp body without teaching the circuit board is mounted in the LED lamp in a sealed manner.

Even Roller teach the entire LED lamp assembly is sealed to prevent the entrance of water, Roller fails to teaches the sealing housing sealedly mounted to the supporting frame to sealedly receive the light circuit so as to retain the illuminators aligning along the reflective channel. In other words, Roller fails to teach such concept of sealing the illuminators along the reflective channel to form a line of light source.

Roller merely teaches the reflector may be flat, horn or parabolic shape without any suggestion of how such reflector reflecting the light to merge the points of light source so as to form a line of light source. In fact, the lamp assembly of Roller is used for illuminating a license plate of a vehicle such that the reflector taught by Roller is used for enhancing the light intensity of the LED such that each of the LED has its own reflector. Therefore, Roller fails to suggest the illuminators are aligned along the reflective channel such that the reflective wall reflectively accumulates said lights of the illuminators at radial direction within the reflective channel, so as to merge the points of light source to form a line of light source along the reflective channel for illumination.

“To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness...” *In re Gorman*, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

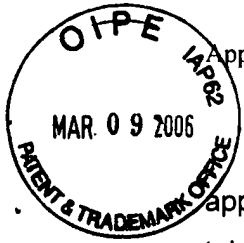
Accordingly, the applicant believes that neither Stopa, Kiraly, nor Roller, separately or in combination, suggest or make any mention whatsoever of the difference subject features (a) to (o) as claimed in the amended claims 23 to 44 of the instant invention.

Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

The Cited but Non-Applied References

The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 23-44 at an early date is solicited.



Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

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Person Signing: Steven Cheung